

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN ESCARENO CHAVEZ,

Defendant.

No. 4:16-cr-00126-RGE-3

**ORDER DENYING
MOTION FOR REDUCTION OF
SENTENCE PURSUANT TO
AMENDMENTS 750 AND 782**

Now before the Court is Defendant Jonathan Escareno Chavez's Motion for Reduction of Sentence Pursuant to Amendments 750 and 782. ECF No. 830. Escareno Chavez files the motion pro se. *Id.* The Federal Public Defender declines to appear on Escareno Chavez's behalf. Notice of Nonappearance, ECF No. 831.

In December 2016, a grand jury in the Southern District of Iowa returned a second superseding indictment charging Escareno Chavez with thirteen counts involving controlled substances and money laundering. Redacted Second Superseding Indictment, ECF No. 160. Escareno Chavez pleaded guilty to three counts. Plea Hr'g Mins., ECF No. 428. In November 2017, the Court sentenced Escareno Chavez to 210 months of imprisonment and five years of supervised release. J. Criminal Case 3–4, ECF No. 596. Escareno Chavez did not appeal his sentence.

Escareno Chavez appears to allege he is eligible for a reduction of sentence pursuant to Amendments 750 and 782 to the United States Sentencing Guidelines Drug Quantity Table. ECF No. 830 at 4–5. However, the amendments on which he relies became effective on November 1, 2011 (Amendment 750)—over seventy-two months before he was sentenced—and on November 1, 2014 (Amendment 782)—over thirty-six months before he was sentenced. *See United States*

Sentencing Comm'n, Guidelines Manual §1B1.10 (Nov. 2016) (indicating the amendments' effective dates). The sentencing guidelines used at the time Escareno Chavez's sentence was imposed incorporated the amendments on which he bases his claim for reduction of sentence.

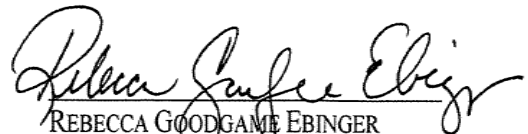
Because Escareno Chavez was sentenced under guidelines incorporating Amendments 750 and 782 there are no grounds for a sentence reduction.

IT IS ORDERED that Defendant Jonathan Escareno Chavez's Motion for Reduction of Sentence Pursuant to Amendments 750 and 782, ECF No. 830, is **DENIED**.

IT IS FURTHER ORDERED that Defendant Jonathan Escareno Chavez's request to appoint counsel is **DENIED**.

IT IS SO ORDERED.

Dated this 21st day of October, 2021.


REBECCA GOODGAME EBINGER
UNITED STATES DISTRICT JUDGE